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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GLORIA E. THOMAS, P.T.A.
16501 Manchester Street
Victorville, CA 92394

Physical Therapy Assistant License No. AT 5792

Respondent.

Case No. 1D-2007-64995

OAH No. L-2008040269

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Alexandra M. Alvarez, Deputy Attorney General.

2. Respondent GLORIA E. THOMAS, P.T.A. (Respondent) is representing
herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about April 19, 2000, the Physical Therapy Board of California issued Physical Therapy Assistant License No. AT 5792 to GLORIA E. THOMAS, P.T.A. (Respondent). The Physical Therapy Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 1D-2007-64995, expired on March 31, 2008, and has not been renewed.

JURISDICTION

4. On February 28, 2008, Accusation No. 1D-2007-64995 was filed before the Physical Therapy Board, and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on May 9, 2008. Respondent timely filed her Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 1D-2007-64995 is attached as Exhibit “A” and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1D-2007-64995. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1D-2007-64995.

1 9. Respondent agrees that her Physical Therapy Assistant License No. AT
2 5792 is subject to discipline and she agrees to be bound by the Board's imposition of discipline
3 as set forth in the Disciplinary Order below.

4 CONTINGENCY

5 10. The parties understand and agree that facsimile copies of this Stipulated
6 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
7 force and effect as the originals.

8 11. This Stipulated Settlement and Disciplinary Order is intended by the
9 parties herein to be an integrated writing representing the complete, final and exclusive
10 embodiment of the agreements of the parties in the above-entitled matter.

11 12. In consideration of the foregoing admissions and stipulations, the parties
12 agree that the Board may, without further notice or formal proceeding, issue and enter the
13 following Disciplinary Order:

14 DISCIPLINARY ORDER

15 IT IS HEREBY ORDERED that Physical Therapy Assistant No. AT 5792 issued
16 to Respondent GLORIA E. THOMAS, P.T.A. (Respondent) is revoked. However, the
17 revocation is stayed and Respondent is placed on probation for five (5) years on the following
18 terms and conditions.

19 1. LICENSE SUSPENSION As part of probation, respondent's license shall
20 be suspended for 90 days beginning the effective date of this decision. However, the suspension
21 is stayed as respondent voluntarily did not practice from January 31, 2008 to the present.
22 Respondent shall renew her Physical Assistant License No. AT 5792 within thirty (30) days of
23 the effective date of the this decision.

24 2. RESTRICTION OF PRACTICE - HOME CARE The respondent shall
25 not provide physical therapy services in a patient's home.

26 3. RESTRICTION OF PRACTICE - PRESENCE OF A PHYSICAL
27 THERAPIST OR OTHER LICENSED HEALTH CARE PROFESSIONAL REQUIRED The
28 respondent shall be prohibited from working a shift for which there is not a physical therapist or

1 other licensed health care professional on duty. In the event that another licensed health care
2 professional is not present in the facility on a given day, respondent will call in to a supervising
3 physical therapist at another facility. Respondent must document the name of the physical
4 therapist she with whom she spoke, along with the date and time.

5 4. RESTRICTION OF PRACTICE - PROHIBITION OF SELF
6 EMPLOYMENT OR OWNERSHIP Respondent shall not be the sole proprietor or partner in
7 the ownership of any business that offers physical therapy services. Respondent shall not be a
8 Board member or an officer or have a majority interest in any corporation that offers or provides
9 physical therapy services.

10 5. RESTRICTION OF PRACTICE - PROHIBITION OF DIRECT BILLING
11 OF THIRD-PARTY PAYERS Respondent shall not have final approval over any physical
12 therapy billings submitted to any third-party payers in any employment.

13 6. PROBATION MONITORING COSTS Respondent shall reimburse all
14 costs incurred by the Board for probation monitoring during the entire period of probation.
15 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical
16 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the
17 billing shall constitute a violation of the probation order.

18 7. COST RECOVERY The respondent is ordered to reimburse the Board
19 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the
20 amount of \$1800.00. Said costs shall be reduced, however, and the remainder forgiven, if
21 Respondent pays \$300.00 of said costs within 90 days of the effective date of the Decision. In
22 the event Respondent fails to pay within thirty (90) days of this Decision. In the event
23 Respondent fails to pay within thirty (90) days of the Decision, the full amount of costs shall be
24 immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon
25 payment, may constitute a violation of the probation order. The filing of bankruptcy by
26 Respondent shall not relieve Respondent of her responsibility to reimburse the Board. If
27 Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost
28 recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of

1 attachment of earned wages legally available to the Board. Failure to fulfill the obligation could
2 also result in attachment to the Department of Motor Vehicle registrations and/or license
3 renewals.

4 8. OBEY ALL LAWS Respondent shall obey all federal, state and local
5 laws, and statutes and regulations governing the practice, inspections and reporting, of physical
6 therapy in California and remain in full compliance with any court ordered criminal probation.

7 9. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be
8 in compliance with any valid order of a court. Being found in contempt of any court order is a
9 violation of probation.

10 10. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF
11 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation
12 and shall be in compliance with any restitution ordered, payments or other orders.

13 11. QUARTERLY REPORTS Respondent shall submit quarterly
14 declarations under penalty of perjury on forms provided by the Board, stating whether there has
15 been compliance with all the conditions of probation.

16 12. PROBATION MONITORING PROGRAM COMPLIANCE Respondent
17 shall comply with the Board's probation monitoring program.

18 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent
19 shall appear in person for interviews with the Board, or its designee, upon request at various
20 intervals.

21 14. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The
22 respondent shall notify all present or future employers of the reason for and the terms and
23 conditions of the probation by providing a copy of the Initial Probationary License, Statement of
24 Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and
25 submit written employer confirmation of receipt to the Board within 10 days. The notification(s)
26 shall include the name, address and phone number of the employer, and, if different, the name,
27 address and phone number of the work location.

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1 15. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The
2 respondent shall notify the Board, in writing, of any and all name and/or address changes within
3 ten (10) days.

4 16. RESTRICTION OF PRACTICE - TEMPORARY SERVICES
5 AGENCIES The respondent's work for a temporary services agency or registry shall be limited
6 as follows:

- 7 1) Respondent shall be limited to work for no more than one (1) facility in a thirty
8 (30) day period;
- 9 2) This work must be approved by the probation monitor;
- 10 3) Respondent must disclose this disciplinary proceeding, as described above in
11 Condition #15 to the temporary service agency or registry; and
- 12 4) Respondent must disclose this disciplinary proceeding, as described above in
13 Condition #15 to the supervisor at the facility where physical therapy care is being
14 performed.

15 Respondent must notify her probation monitor or board's designee, in writing, of any change in
16 registry or temporary service. Respondent must have written approval by the probation monitor
17 prior to commencing work at a new registry or temporary service agency.

18 17. RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF
19 PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL
20 THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not be a clinical
21 instructor of any physical therapy student interns or foreign educated physical therapist license
22 applicants during the entire period of probation. Respondent shall terminate any such
23 relationship in existence on the effective date of this probation.

24 18. PROHIBITED USE OF ALIASES Respondent may not use aliases and
25 shall be prohibited from using any name which is not her legally-recognized name or based upon
26 a legal change of name.

27 19. INTERMITTENT WORK If the respondent works less than 192 hours as
28 a physical therapist or a physical therapist assistant in the physical therapy profession in a period

of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if she works less than 192 hours in a three month period.

20. TOLLING OF PROBATION The period of probation shall run only during the time respondent is practicing or performing physical therapy within California. If, during probation, respondent does not practice or perform within California, respondent is required to immediately notify the probation monitor in writing of the date that respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by the respondent in California prior to notification to the Board of the respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

21. VIOLATION OF PROBATION If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

22. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the respondent makes application for the renewal of the tendered license or makes application for a new license.

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1 23. COMPLETION OF PROBATION Upon successful completion of
2 probation, respondent's license shall be fully restored.

3 24. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE
4 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF
5 PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall
6 take and pass the Board's written examination on the laws and regulations governing the practice
7 of physical therapy in California. If respondent fails to pass the examination, respondent shall be
8 suspended from the practice of physical therapy until a repeat examination has been successfully
9 passed.

10 25. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE
11 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or
12 perform physical therapy under the probationary conditions specified in the disciplinary order.
13 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been
14 disciplined, or that the respondent is on probation, shall be used as the sole basis for any third
15 party payer to remove respondent from any list of approved providers.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physical Therapy Assistant License No. AT 5792. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board.

DATED: 6/16/08

ORIGINAL SIGNED BY: _____
GLORIA E. THOMAS, P.T.A.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board.

DATED: 7/17/08

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

ORIGINAL SIGNED BY: _____
ALEXANDRA M. ALVAREZ
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 1D-2007-64995

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PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

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16501 Manchester Street
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Physical Therapy Assistant License No. AT 5792

Respondent.

Case No. 1D-2007-64995

OAH No. L-2008040269

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board, as its Decision in this matter.

This Decision shall become effective on September 12, 2008.

It is so ORDERED August 12, 2008.

**ORIGINAL SIGNED BY NANCY KRUEGER, PT
FOR THE PHYSICAL THERAPY BOARD**

Nancy Krueger, PT
President